

806 KAR 9:020. False or deceptive names, titles, prohibited.

RELATES TO: KRS 304.1-010, 304.12-130

STATUTORY AUTHORITY: KRS 304.2-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes that the Commissioner of Insurance to make administrative regulations necessary for or as an aid to the effectuation of any provisions of the Kentucky Insurance Code. This administrative regulation prohibits the use of names, titles, degrees, certificates, accomplishments, or the like, that implies a greater skill or knowledge than the person actually possesses.

Section 1. Prohibited Conduct. A person licensed pursuant to the Kentucky Insurance Code, shall not, in the conduct of business, use, or knowingly permit to be used on the person's behalf, any name, title, letters, degrees, certificate, accomplishment, award, designation or the like, which implies or purports to convey that:

(1) The person possesses a greater skill, knowledge, experience, or qualification than is actually a fact; or

(2) The person possesses a greater skill, knowledge, experience, or qualification in advising or servicing seniors in connection with the solicitation, sale, or purchase of a life insurance or annuity product than is actually a fact. The manner in which specified words are used shall be a factor in determining whether a name or title is in violation, and the commissioner shall consider the combinations of:

(a) "Senior", "retirement", "elder", or similar words; and

(b) With "certified", "registered", "chartered", "advisor", "specialist", "consultant", "planner", or similar words.

Section 2. Properly Conferred Titles Permitted. This administrative regulation shall not prohibit the use of names, titles, letters, degrees, certificates, recognition of accomplishments, awards, designations, or the like which have been properly conferred upon a licensee by:

(1) A duly accredited and recognized college or university; or

(2) A duly accredited and recognized professional association or society.

Section 3. Certain Job Titles Prohibited. This administrative regulation shall not prohibit the use of a job title within an organization licensed or registered by a state or federal financial services regulatory agency, including an agency that regulates insurance licensees, unless:

(1) It is used in a manner that would confuse or mislead a reasonable consumer; and

(2) The job title:

(a) Indicates seniority or standing within the organization; or

(b) Specifies an individual's area of specialization within the organization. (I-9.02; 1 Ky.R. 860; eff. 5-14-1975; 32 Ky.R. 314; 880; eff. 12-2-2005; 38 Ky.R. 325; 802; 913; 12-2-2011; 46 Ky.R. 1865; eff. 1-3-2020.)